



Practitioner's Docket No. 02838

IAP12 Rec'd PCT/PTO 24 AUG 2007

IN THE UNITED STATES DESIGNATED OFFICE (DO/US)

PCT/GB04/04360	October 15, 2004	October 15, 2003
International Application Number	International Filing Date	International Earliest Priority Date

TITLE OF INVENTION:                      APPLICATOR

APPLICANT FOR DO/US:                  Charles Edward BRIGHT

SERIAL NO.:                                  10/575,557

FILED.:                                        April 12, 2006

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450


COMPLETION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. 371 IN THE U.S. DESIGNATED/ELECTED OFFICE

This replies to the Notice of Missing Requirements under 35 U.S.C. section 371 (FORM PCT/DO/EO/905) mailed March 1, 2007. A copy of FORM PCT/DO/EO/905 accompanies this response.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. SECTION 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

 deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Date:

Aug 22, 2007

FACSIMILE

[ ] transmitted by facsimile to the Patent and Trademark Office at (703) \_\_\_\_ - \_\_\_\_.

Patricia Blackwell  
Signature  
PATRICA BLACKWELL  
(type or print name of person certifying)

(Completion of Filing Requirements for International Application Entering National Stage in Designated Office (DO/US) under 35 U.S.C. section 371--page 1 of 4)

**FEES**

**II.**

1. Fees for claims

Each independent claim in excess of 3	\$ 0.00
Each claim in excess of 20	\$ 0.00
Multiple dependent claim(s)	\$ 0.00

2. Surcharge fees

Surcharge set forth in Section 1.492(e), for accepting the declaration later than 20 months after the priority date in filing an application in the U.S. as a designated office

\$130.00

**Total fees    \$130.00**

**EXTENSION OF TIME**

**III.** The proceedings herein are for a patent application, and the provisions of 37 C.F.R. Section 1.136(a) apply. Enclosed is a Petition for a Fourth Month Extension of Time and the required extension fee.

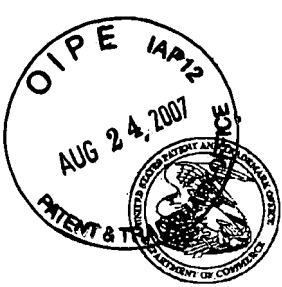
**TOTAL FEE DUE**

**IV.** The total fee due is:

Completion fee(s)	\$ 130.00
Extension fee (if any)	<u>\$1,590.00</u>
<b>TOTAL FEE DUE</b>	<b>\$ 1,720.00</b>

08/27/2007 GFREY1 00000132 10575557

01 FC:1617	130.00 OP
02 FC:1254	1590.00 OP



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/575,557	Charles Edward Bright	02838

INTERNATIONAL APPLICATION NO.
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PCT/GB04/04360

David M. Driscoll  
 Salter & Michaelson  
 321 South Main Street  
 Providence, RI 02903-7128

I.A. FILING DATE	PRIORITY DATE
10/15/2004	10/15/2003

CONFIRMATION NO. 8935

371 FORMALITIES LETTER



\*OC000000022699389\*

Date Mailed: 03/01/2007

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 04/12/2006
- Copy of the International Search Report filed on 04/12/2006
- Preliminary Amendments filed on 04/12/2006
- Information Disclosure Statements filed on 04/12/2006
- U.S. Basic National Fees filed on 04/12/2006
- Priority Documents filed on 04/12/2006
- Specification filed on 04/12/2006
- Claims filed on 04/12/2006
- Abstracts filed on 04/12/2006
- Drawings filed on 04/12/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

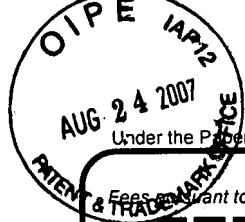
**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

PAULETTE R KIDWELL

Telephone: (703) 308-9140 EXT 216

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/575,557	PCT/GB04/04360	02838



Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2007

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)  
1,720.00

### Complete if Known

Application Number	10/575,557
Filing Date	April 12, 2006
First Named Inventor	Charles Edward BRIGHT
Examiner Name	Unknown
Art Unit	Unknown
Attorney Docket No.	02838

### METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 19-0120 Deposit Account Name: Salter & Michaelson

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

### FEE CALCULATION

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

#### 2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>
- 20 or HP = _____ x _____ = _____		
HP = highest number of total claims paid for, if greater than 20.		
<b>Indep. Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>
- 3 or HP = _____ x _____ = _____		
HP = highest number of independent claims paid for, if greater than 3.		

#### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____				

#### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge), Four-month extension fee and surcharge for late filing of declaration 1,720.00

SUBMITTED BY		
Signature		Registration No. 25,075
Name (Print/Type)	David M. Driscoll	Telephone 401-421-3141
		Date <u>Aug 22, 2007</u>

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Declaration**  
**Signed by Adam McQuilkin**

**Power of Attorney  
signed by Adam McQuilkin  
on behalf of Charles Bright**

**Affidavit  
by Adam McQuilkin**



### DECLARATION OR OATH

I. No original declaration or oath was filed. The inventor Charles Edward BRIGHT is refusing to sign the required formal documents. Therefore, enclosed please find the following:

- Declaration signed by Adam McQuilkin, Group Business Development Director of Femcare Group, on behalf of Charles Bright.
- Power of attorney document signed by Adam McQuilkin on behalf of Charles Bright.
- Affidavit by Adam McQuilkin attesting that Charles Bright contributed to the invention of the "Applicator" described in PCT/GB2004/004360 (U.S. Serial No. 10/575,557) during employment by, and in the course of his normal daily duties for, Femcare Limited.
- Legal Memorandum signed by Colin Baker of Eric Potter Clarkson LLP attesting to the fact that under the circumstances that Charles Bright was employed by Femcare Limited to develop the Applicator product which is the subject of PCT/GB2004/004360 (U.S. Serial No. 10/575,557), right in the invention belong to his employer, Femcare Limited, by virtue of Section 39 of the UK Patents Act 1977.
- Copy of Charles Bright's contracts of employment dated September 22, 2003 (unsigned) and December 1, 2004 (signed on February 7, 2005).
- Performance Review Personal Preparation Form completed by Charles Bright in June 2003 as preparation for his three-month performance review. This documents that Charles Bright was directly involved in developing the Applicator that is the subject of PCT/GB2004/004360 (U.S. Serial No. 10/575,557).
- Letter dated September 21, 2006 from Mr. Colin Baker of Eric Potter Clarkson LLP to Charles Bright asking him to sign the relevant document.
- Letter dated October 20, 2006 from Charles Bright to Colin Baker saying that he did not agree to sign the documents. In this letter, Charles Bright refers to the subject of an employee's rights to compensation for patented inventions.

Under Section 40(1)(a) of the UK Patents Act 1977, the question of compensation for an employee's invention applies only to an *invention that belongs to the employer*. Thus, to the extent that Charles Bright has refused to sign the relevant documents because of an employee's rights to compensation for patented inventions, this is a *de facto* admission that the invention belongs to his employer, Femcare Limited.

APPLICANT FOR DO/US: Charles Edward BRIGHT  
SERIAL NO.: 10/575,557  
International Application Number: PCT/GB04/04360

**PAYMENT OF FEES**

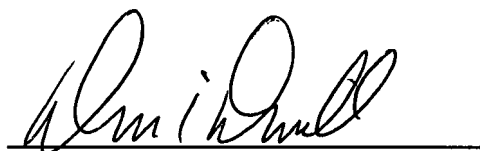
V. Enclosed is a check in the amount of \$1,720.00.

**AUTHORIZATION TO CHARGE ADDITIONAL FEES**

The U.S. Patent and Trademark Office is authorized to charge any additional fees incurred as a result of the filing hereof or credit any overpayment to our account #19-0120.

Date:

Aug 22, 2007



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Registration No. 25,075  
Salter & Michaelson  
321 South Main Street  
Providence, RI 02903-7128  
US  
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Customer No. 000987

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